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U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
SEP 20 2013	9:47
CLERK, U.S. DISTRICT COURT	
By	<i>nm</i> Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FLEXIBLE INNOVATIONS LTD.,
A Texas Limited Partnership,

Plaintiff,

v.

IDEAMAX, EUGENE LEE, and
AEKYUNG LEE,

Defendants.

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Civil Case No. 4:12-CV-00856-A

**DEFENDANTS RESPONSE AND OPPOSITION TO PLAINTIFF'S
MOTION TO ENFORCE INJUNCTIONS AND/OR
FOR CONTEMPT WITH AFFIRMATIVE DEFENSE**

Comes now Defendant EUGENE LEE, In Propria Persona, to answer, respond and make opposition to Plaintiff's motion for enforcement of (a) the Final Judgment as to Permanent Injunctions of March 7, 2013 (Doc 42), (b) the Supplemental Final Judgment as to Permanent Injunctions (Doc 87) and © the Agreed Order Granting Supplemental Permanent Injunction (Doc 101), and/or for sanctions as follows:

On or about August 5, 2013 Defendants paid the sum of \$200,000.00 via bank wire transfer to the Plaintiff's designated account. Defendants have all good faith intentions and will make earnest good faith efforts to pay the final payment in the sum of \$50,000.00 on or before December 31, 2013.

Defendants have furthermore removed the words "US PATENTED" from the web site catalog.

Defendants have furthermore altered and changed the filename from "DIGIPAD" to "MICROPAD" pursuant to the terms and conditions of the Final Judgment.

Defendants have furthermore altered and changed the filename from "DIGISTAND" to "MICROSTAND".

Under the provisions of the Texas Code of Civil Procedure, this answering Defendant denies each, every and all of the allegations of said Motion, and the whole thereof, and denies that Plaintiff has sustained damages in any sum or sums alleged, or in any other sum, or at all.

Further answering Plaintiff's Motion on file herein, and the whole thereof, this answering Defendant denies that the Plaintiff has sustained any injury, damage or loss, if any, by reason of any act or omission of this answering Defendant.

AFFIRMATIVE DEFENSE

FIRST AFFIRMATIVE DEFENSE

Failure to state Allegations to Sustain the Motion

Plaintiff's Motion is vague, ambiguous and unintelligible and fails to adequately state allegations to sustain the Motion.

SECOND AFFIRMATIVE DEFENSE

Conditions Precedent

Plaintiff's purported allegations of the Motion, and each of them, are barred in that Plaintiff has failed to perform or caused to be performed, all conditions precedent to the obligations upon which Plaintiff's purported Motion are based.

THIRD AFFIRMATIVE DEFENSE

Unclean Hands

Plaintiff's purported allegations of the Motion, and each of them, are barred in that Plaintiff

by it's actions and inactions have unclean hands.

FOURTH AFFIRMATIVE DEFENSE

Estoppel

Plaintiff's purported allegations of the Motion, and each of them, are barred by the Doctrine of Estoppel.

FIFTH AFFIRMATIVE DEFENSE

Waiver

Plaintiff's purported allegations of the Motion, and each of them, are barred by the Doctrine of Waiver.

SIXTH AFFIRMATIVE DEFENSE

Set off

Any damages awarded to Plaintiff in this action are subject to this answering Defendant's right to set off all amounts of money Plaintiff presently owes this answering Defendant or monies that Plaintiff has received yet failed to acknowledge receipt of.

SEVENTH AFFIRMATIVE DEFENSE

Failure to Mitigate Damages

To the extent Plaintiff has sustained damages, Plaintiff has contributed in a direct and proximate manner to it's damages by failing to mitigate it's own damages.

EIGHTH AFFIRMATIVE DEFENSE

Equitable Estoppel Under Detrimental Reliance

Plaintiff's purported allegations of the Motion, and each of them, are barred by reason of acts, omissions, representations and courses of conduct by Plaintiff by which this answering Defendant was led to rely to its detriment, thereby barring under the doctrine of Equitable Estoppel any cause

of action asserted by Plaintiff and/or any award of monetary sanctions.

NINTH AFFIRMATIVE DEFENSE

Unjust Enrichment, Forfeiture

As a separate and distinct affirmative defense to each of Plaintiff's allegations of the Motion and, while denying each of the allegations contained therein, this answering Defendant alleges that, should Plaintiff obtain the relief claimed herein, same would constitute an unjust enrichment to Plaintiff and a forfeiture to Defendants.

TENTH FIRST AFFIRMATIVE DEFENSE

Consent

As a separate and distinct affirmative defense to each of Plaintiff's allegations of the Motion and, while denying each of the allegations contained therein, this answering Defendant allege that Plaintiff is barred from recovery against Defendant because Plaintiff impliedly and/or expressly consented to the conduct, acts or omissions complained of in the Motion.

ELEVENTH AFFIRMATIVE DEFENSE

Damages Speculative

As a separate and distinct affirmative defense to each of Plaintiff's allegations of the Motion and, while denying each of the allegations contained therein, this answering Defendant alleges that damages alleged by Plaintiff are speculative and thus among other things violate Texas Civil Code in whole or in part.

TWELFTH AFFIRMATIVE DEFENSE

Lack Of Good Faith

As a separate and distinct affirmative defense to each of Plaintiff's allegations of the Motion and, while denying each of the allegations contained therein, this answering Defendant alleges that

the Motion was brought without reasonable cause and without a good faith belief that there was justifiable controversy under the facts of the law which warranted the filing of the Motion against this answering Defendant. Plaintiff should therefore be responsible for all Answering Defendant's necessary and reasonable defense costs herein.

THIRTEENTH AFFIRMATIVE DEFENSE


Reservation Of Defense

As a separate and distinct affirmative defense to each of Plaintiff's allegations of the Motion and, while denying each of the allegations contained therein, this answering Defendant allege that he presently has insufficient knowledge or information upon which to form a belief as to whether he may have additional, as yet unstated affirmative defenses available. This Answering Defendant reserves the right to assert any and all additional affirmative defenses in the event that the discovery indicates that they would be appropriate.

WHEREFORE Defendant prays as follows:

1. That Plaintiff's Motion against Defendant be denied and that any sanctions be denied against Defendant;
2. That Plaintiff take nothing by virtue of the Motion on file;
3. For costs of the Response incurred herein;
4. For reasonable attorney fees; and
5. For such other and further relief as the court should deem just and proper.

Dated: September 19, 2013


EUGENE LEE, Defendant In Pro Per
16 Technology Dr. #127, Irvine, CA 92618
949-322-2650

PROOF OF SERVICE BY MAIL
Business Practice to Entrust Deposit to Others
California Code of Civil Procedure Section 1013a(3)

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Richard H. Foltz, declare as follows:

1. I am a citizen of the United States and employed in the county aforesaid. I am over the age of eighteen years, and not a party to the within-entitled action. My business address is 18022 Cowan, Suite 210, Irvine, California 92614.

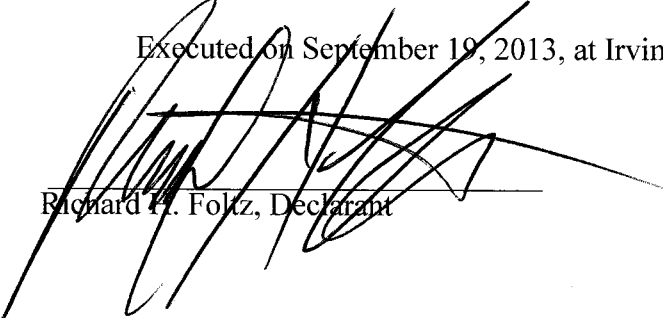
2. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

3. On September 19, 2013, at my place of business at Irvine, California, the document described as DEFENDANTS RESPONSE AND OPPOSITION TO PLAINTIFF'S MOTION TO ENFORCE INJUNCTIONS AND/OR FOR CONTEMPT WITH AFFIRMATIVE DEFENSE was placed for collection and mailing following ordinary business practices for deposit in the United States Postal Service in a sealed envelope with postage fully prepaid thereon at Irvine, California, addressed as follows and furthermore send by electronic mail to rschwartz@whitakerchalk.com

Richard L. Schwartz
WHITAKER, CHALK, SWINDLE & SCHWARTZ, PLLC
301 Commerce St., Suite 3500
Fort Worth TX 76102-4135

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on September 19, 2013, at Irvine, California.


Richard H. Foltz, Declarant